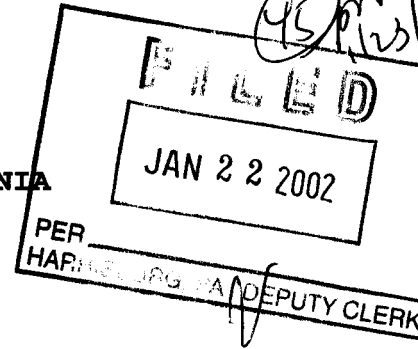


UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA



GREENE/GUILFORD ENVIRONMENTAL :  
ASSOCIATION, a non-profit corporation :  
incorporated under the laws of the :  
Commonwealth of Pennsylvania, CITIZENS :  
FOR PLANNED COMMUNITY GROWTH, :  
an unincorporated association organized :  
under the laws of the Commonwealth of :  
Pennsylvania, PAUL B. AMBROSE, JOHN G. :  
ENDERS, CHARLES F. RAHAUSER, BETSY :  
RAHAUSER, DOUGLAS A. WARNOCK, U.X. :  
VAGNERINI, THOMAS W. BUNDY, :  
STEPHEN P. BUCHER, ROGER J. :  
ROBERTSON, JAMES A. STRITE, JR., DAVID :  
A. GUTHRIE, :  
Plaintiffs :

CIVIL ACTION NO.  
1:CV-01-0910

(Judge Rambo)

v.

KEN WYKLE, Administrator, Federal :  
Highway Administration, ROBERT GATZ, :  
Federal Highway Administration, :  
Defendants :

and

BRADLEY L. MALLORY, Secretary for :  
The Department of Transportation, :  
Commonwealth of Pennsylvania, :  
Intervenor. :

**DEFENDANTS' AND INTERVENOR'S BRIEF IN SUPPORT OF MOTION  
FOR LEAVE TO FILE A BRIEF IN EXCESS OF FIFTEEN PAGES**

Defendants have requested the Court to permit them to exceed  
the fifteen-page limit as provided in M.D. Pa. Local Rule 7.8 in  
filing the brief in support of their motion for summary judgment.  
The reasons for this motion are as follows:

1. The complaint raises claims under the National Environmental Policy Act ("NEPA") and the National Historic Preservation ("NHPA"). Claims arising under NEPA and NHPA require the Court's review of the administrative record that was before the Federal decision-maker and are normally disposed of through motions for summary judgment.

2. Plaintiff raises several issues under NEPA and NHPA including, whether the selected alternative satisfies the major project needs for the I-81 Interchange project in Franklin County, Pennsylvania, whether the impacts to local roadways were studied and disclosed in the NEPA document for the project, whether FHWA properly considered the cumulative impacts of the proposed interchange with the proposed extension of Norland Avenue under NEPA, whether FHWA properly determined that a Supplemental EIS was not required for the project under NEPA, whether NEPA required the consideration of new alternatives as a result of the amendment to the project's funding authorization statute, whether FHWA completed the studies required under NEPA for the project with good faith objectivity, and whether defendants properly determined the area of potential effect for the project under NHPA.

3. It is defendants' belief that plaintiffs' allegations, in whole or in part, fail to state a claim and that the administrative record establishes that defendants are entitled to summary judgment. Defendants and intervenor intend to file a joint brief in support of a joint motion for summary judgment.

4. Because of the various legal claims and the need to address the underlying facts relevant to each of the claims, it may not be possible to address all of plaintiffs' allegations in a fifteen-page brief. Indeed, the statement of facts section itself will span at least eighteen pages of the brief.

5. Defendants submit that their brief will be no longer than sixty-five pages in length.

6. Plaintiff will not be prejudiced in granting this motion; indeed, granting this motion should assist plaintiff in understanding all of defendants' defenses.

Wherefore, defendants request this Court to grant their motion for leave to file the brief in support of their motion for summary judgment in excess of the fifteen-page limit.

Respectfully submitted,

MARTIN C. CARLSON  
United States Attorney

Anne K. Fiorenza KMG  
ANNE K. FIORENZA  
Assistant United States Attorney  
Federal Building - 2<sup>nd</sup> Floor  
228 Walnut Street  
P.O. Box 11754  
Harrisburg, PA 17108-1754

Kenda Jo M. Gardner  
KENDA JO M. GARDNER  
Assistant Counsel  
JOHN M. HRUBOVCAK  
Assistant Counsel-in-Charge  
ROBERT J. SHEA  
Assistant Chief Counsel  
ANDREW S. GORDON  
Chief Counsel  
Office of Chief Counsel  
Pennsylvania Department of  
Transportation  
Commonwealth of Pennsylvania  
P.O. Box 8212  
Harrisburg, PA 17190

Date: January 22, 2002

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the Office of Chief Counsel of the Department of Transportation, Commonwealth of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

On this 22nd day of January, 2002, she served a copy of the foregoing document by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by deposition said envelope and contents in the United States Mail at Harrisburg, Pennsylvania to:

Thomas Alan Linzey, Esquire  
Community Environmental Legal Defense Fund  
2859 Scotland Road  
Chambersburg, PA 17201

  
KENDA JO M. GARDNER

Assistant Counsel  
Office of Chief Counsel  
Pennsylvania Department of  
Transportation  
Commonwealth of Pennsylvania  
P.O. Box 8212  
Harrisburg, PA 17105-8212  
(717) 787-5299